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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/513,040 02/25/00 JIAO

J 98,766

020306 MMC2/1010
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EXAMINER

CHOI, J

ART UNIT

PAPER NUMBER

2875

DATE MAILED:

10/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/513,040

Applicant(s)

JIAO ET AL.

Examiner

Jacob Y Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9, 12, 13 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 11, 14, 15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 0200 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on 08/13/2001. These drawings are Figures 1, 3, 4.
2. This application has been filed with informal drawings which are acceptable for examination purposes only. Applicant is reminded that formal drawings will be required when the application is allowed.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the housing must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-8,10,11,14 and15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: it is unclear to where a reflector portion is positioned about a tubular light source or a semi-circular reflector portion.

Claim Objections

6. Claim 1 is objected to because of the following informalities: due to unclear structural relationship, explained under 35 U.S.C. 112, wording "downwardly" in claims 1 and 14 are not clear, since an aperture of the tubular reflector is located upward as the claim reads. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-10 and 13-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lieszkovszky et al. (USPN 6,168,293).

With regards to claim 1, Lieszkovszky et al. fully discloses a reflector portion formed around a tubular light source (shown in Figure 4), the reflector portion (reference # f) reflecting light emanating from the tubular light source towards an aperture of the tubular reflector, and a semi-circular reflector (reference #n) having a smooth reflective surface, the semicircular-reflector coupled to the reflector portion (shown in Figure 4) so that light emanating from the tubular light source is reflected off the semi-circular reflector downwardly from the light source and towards the aperture of the tubular reflector. It is inherent that some of the light from the tubular light source would reflect

the backwards the aperture or downwardly to the inner reflective portion of the semi-circular reflector and towards the aperture of the tubular reflector.

With regards to claim 2, Lieszkovszky et al. discloses the reflector portion is a semi-elliptical reflector (reference #n).

With regards to claim 3, Lieszkovszky et al. discloses a lens means (reference #22) coupled to the semi-circular reflector, the lens means processing the reflected light (shown in Figure 4).

With regards to claim 4, Lieszkovszky et al. discloses a reflective surface disposed on the smooth semi-circular surface (shown in Figures 5, reference #60).

With regards to claim 5, Lieszkovszky et al. discloses a reflective surface (reference #14) disposed on the semi-circular reflector (shown in Figure 4).

With regards to claim 6, Lieszkovszky et al. discloses the reflective finish disposed on the semi-circular reflector is essentially the same as a reflective finish disposed on the semi-circular surface (shown in Figure 4).

With regards to claim 7, Lieszkovszky et al. fully discloses a semi-circular reflector (reference #n) formed around a tubular light source (reference #52), the semi circular reflector light emanating from the tubular light source (shown in Figure 4), and a multi-faceted reflector coupled to the semi-circular reflector (shown in Figure B and indicated as an prior art), the multi-faceted reflector having at least two facets positioned at angles to one another (shown in Figures 1-5) so that light emanating from the tubular light source is reflected downwardly from the light source. It would be inherent that the some of the light would reflect downwardly from the light source.

With regards to claim 8, Lieszkovszky et al. discloses a lens means coupled to the multi-faceted reflector, the lens means receives and processes the reflected light.

With regards to claim 10, Lieszkovszky et al. inherently has a securing means provided on the reflector.

With regards to claim 14, Lieszkovszky et al. fully discloses a housing portion having an interior reflecting surface (reference #14), a first reflective finish disposed on the interior reflecting surface (shown in Figure 4), a reflector portion coupled to the interior reflecting surface, a tubular light source (reference #52) mounted in the semi-circular reflector portion, the semicircular reflector portion (reference #n) formed around the tubular light source, a second reflective finish disposed on the semi-circular reflector portions (shown in Figure 4), and a lens portion coupled to the housing portion such that the reflective finish reflects light from said tubular light source towards the lens portion (shown in Figure 4).

With regards to claim 15, Lieszkovszky et al. discloses the interior reflecting surface having a plurality of facets (shown in Figures 1-3, and 5).

With regards to claim 17, Lieszkovszky et al. discloses the pluralities of facets are arranged in a stepwise orientation (shown in Figures 1-3, and 5).

With regards to claim 18, Lieszkovszky et al. discloses each facet of the plurality of facets has a similar reflective finish (shown in Figure 4).

With regards to claim 19, Lieszkovszky et al. discloses the reflector is semi-circular (shown in Figure 4 portion #n).

With regards to claim 20, Lieszkovszky et al. discloses the reflector is semi-elliptical (shown in Figure 4 portion #f).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lieszkovszky et al. as applied to claim 7 above, and further in view of Daumueller et al. (USPN 5,975,723).

With regards to claim 11, Lieszkovszky et al. fully discloses a tubular reflector that has been described by the applicant's claim 7. However, Lieszkovszky et al. does not disclose the tubular reflector is used for a vehicle stop lamp. Daumueller et al. discloses a reflector light device for a vehicle that is used for vehicle stop lamp. It would have been obvious in the one skilled in the art at the time the invention was made to combine certain reflector structure to a vehicle stop lamp, since Daumueller et al. also discloses a reflector structure for a vehicle lamp. It is known in art that having a reflector is necessary structure in vehicle lamp device.

Response to Amendment

11. The amendment filed on 08/09/2001 under 37 CFR 1.131 has been considered but is ineffective to overcome the previous 35 U.S.C. 103(a) and 35 U.S.C. 103(a) rejections that was made by the examiner using references Lieszkovszky et al. (USPN

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6,168,293), Daumueller et al. (USPN 5,975,723) and both in combination because Lieszkovszky et al. fully discloses the claimed invention as explained above.

35 U.S.C. 112.

13. Applicant has argued that Lieszkovszky does not disclose a multi-faceted reflector surface to reflect light with a desired pattern, however Lieszkovszky indeed shows multi-faceted reflector surface (shown in Figure 1 and 2 as prior art and also shown in Figures 3 and 5). Applicant is reminded that, examiner could combine reference (reference cited during first action) Camm (USPN 4,683,525) with Lieszkovszky to show a multi-faceted reflector surface oriented stepwise and extending toward reflector aperture (shown in Figures 1-4).

14. Applicant has argued that Lieszkovszky in combination with Daumueller does not disclose or suggest the presently claimed invention, however applicant is reminded that the patentability does not rest on the functionality of the structure.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Y Choi whose telephone number is (703) 308-4792. The examiner can normally be reached on Monday-Friday (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-8303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7724.

JC
October 3, 2001


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800